

REMARKS

I. Status of the Claims

Claims 8-16 and 39-41 are currently pending in this application and stand rejected. Claims 1-7 and 17-38 have been canceled without prejudice to their later prosecution in this or another application. Claims 8, 11, 12, and 16 are currently amended.

Support for the amendments to claims 8, 11, and 12 can be found in the specification and the as-filed claims. Exemplary compounds within the amended scope include, for example, Gibberellins A₃, A₄, and A₇. See, e.g., *Specification*, p. 23. Support for the amendment to claim 16 can also be found in the specification and as-filed claims. For example, under the "Background of the Invention" section, Applicants explain that "the invention concerns pharmaceutical formulations containing Gibberellins and their use for the treatment of diabetes including type 1 and type 2 diabetes and their complications and their associated conditions including obesity, micro and macro vascular diseases, nephropathy, neuropathy, eye diseases, diabetic ulcerations and the like." *Id.* at p. 1. Accordingly, no new matter has been added by these amendments.

II. Interview Summary

Applicants appreciate the courtesy of an after final telephonic interview with the Examiner on February 8, 2008, the proceedings of which are reflected in part by the Interview Summary dated February 22, 2008. In discussing the instant rejections, Applicants proposed possible amendments to the rejected claims that further focus the scope of Formula (1). These proposed amendments included, amongst other things,

the removal of the term “glycosylic ether group (glycoside ether)” from the pending claims. *See Interview Summary.*

In view of Applicants proposed amendments, the Examiner noted that such modifications to method claims 8-16 “would appear to overcome the rejection of the claims under 35 U.S.C. § 112, first paragraph.” *Id.* However, the Examiner was apparently not convinced that similar amendments to composition claims 17-24 and 26-38 would put those claims in a condition for allowance. According to the Examiner, an “agreement was not reached with respect to the composition claims with respect to the rejection of said claims over the cited prior art.” *Id.*

Should the Examiner disagree with the Applicants’ presentation of the substance of the interview, or if Applicants have misunderstood any of the Examiner’s positions, Applicants respectfully request the Examiner to clarify in writing.

III. Rejections Under 35 U.S.C. § 112, ¶ 1

The Examiner has rejected claims 8, 11-24, 26-29, and 39-41 under 35 U.S.C. § 112, ¶ 1, as allegedly failing to comply with the enablement requirement. *Office Action*, p. 2. Applicants respectfully traverse the rejection.

As an initial matter, Applicants note that claims 17-24 and 26-29 have been canceled without prejudice. Therefore, the Examiner’s rejection of claims 17-24 and 26-29 is rendered moot.

The Examiner alleges that the specification “does not reasonably provide enablement for the treatment of diabetes with Gibberellins of Formula (1).” *Id.* In particular, the Examiner asserts that “the specification fails to provide any guidance as to what is meant and encompassed by the term glycoside. Therefore, the term

glycoside in the present claims is not limited to monosaccharides, but includes disaccharides and polysaccharides and their numerous derivatives.” *Id.* at pp. 4-5.

Applicants respectfully disagree with the Examiner’s assertions. Nonetheless, in an effort to expedite prosecution, Applicants have amended claims 8, 11, and 12 by removing the term “glycosylic ether group (glycoside ether)” as a possible selection from the Markush variables of Formula (1). Claims 9, 10, 13-16, and 39-41 are directly or indirectly dependant upon claim 11. Accordingly, Applicants submit that the Examiner’s rejection of the pending claims under Section 112 is rendered moot.

IV. Rejections Under 35 U.S.C. § 103(a)

The Examiner has also rejected claims 17-24 and 26-29 under 35 U.S.C. § 103(a) as allegedly being obvious in view of the combined teachings of *Wu et al.* (U.S. Patent No. 6,121,317) and *Lindenbaum* (U.S. Patent No. 5,591,709). *Id.* at p. 5. According to the Examiner, “it would have been prima facie obvious to a person having ordinary skill in the art at the time the claimed invention was made to have combined gibberellins with insulin or growth factors because a person would have expected the resulting composition to be useful for wound healing.” *Id.* at p. 6.

Applicants respectfully disagree with the Examiner’s assertions. However, to move prosecution forward, Applicant’s have canceled claims 17-24 and 26-29 without prejudice. Accordingly, Applicants submit that the Examiner’s rejection of the instant claims under Section 103 is rendered moot.

CONCLUSION


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 17, 2008

By: 
Gretchen S. Peterson
Reg. No. 57,404